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Leon Benhamou

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Terry W. Kramer, Esq.
Kramer & Amado, P.C.
1725 Duke Street, Suite 240
Alexandria, VA 22314

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LEON BENHAMOU

Appeal 2009-011518
Application 10/695,952
Technology Center 2400

Before ROBERT E. NAPPI, JEFFREY S. SMITH, and ERIC B. CHEN,
Administrative Patent Judges.

SMITH, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-18, which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Invention

Appellant's invention relates to a method and system for exchanging legacy network management messages. Legacy management messages are embedded as a user-defined object within SNMP messages. The SNMP messages are transmitted to managed nodes. The managed nodes extract and process the legacy management messages from the SNMP messages. Any legacy response message is embedded within an SNMP message and transmitted back to the management station, which extracts the legacy response for processing. Abstract.

Representative Claim

1. A method of providing secure network management communications within a communication network, the communication network including a plurality of network elements each adapted to generate and process legacy network management messages in conformance with a legacy management system, the method comprising the steps of:
 - embedding a first legacy network management message within a first Simple Network Management Protocol (SNMP) message at a first network element;
 - transmitting the first SNMP message over the network to a second network element; and
 - extracting the first legacy network management message from the first SNMP message at the second network element.

Examiner's Rejections

Claims 1, 2, 4-10, and 12-18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Andrews (US 6,697,845 B1).

Claims 3 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Andrews and Official Notice.

Claim Groupings

In view of Appellant's arguments in the Appeal Brief, we will decide the appeal on the basis of claim 1. *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUE

Has Appellant shown that the Examiner erred in finding that Andrews describes "embedding a first legacy network management message within a first Simple Network Management Protocol (SNMP) message" as recited in claim 1?

FINDINGS OF FACT

1. Andrews describes a block diagram for a node management system as shown in Figure 1:

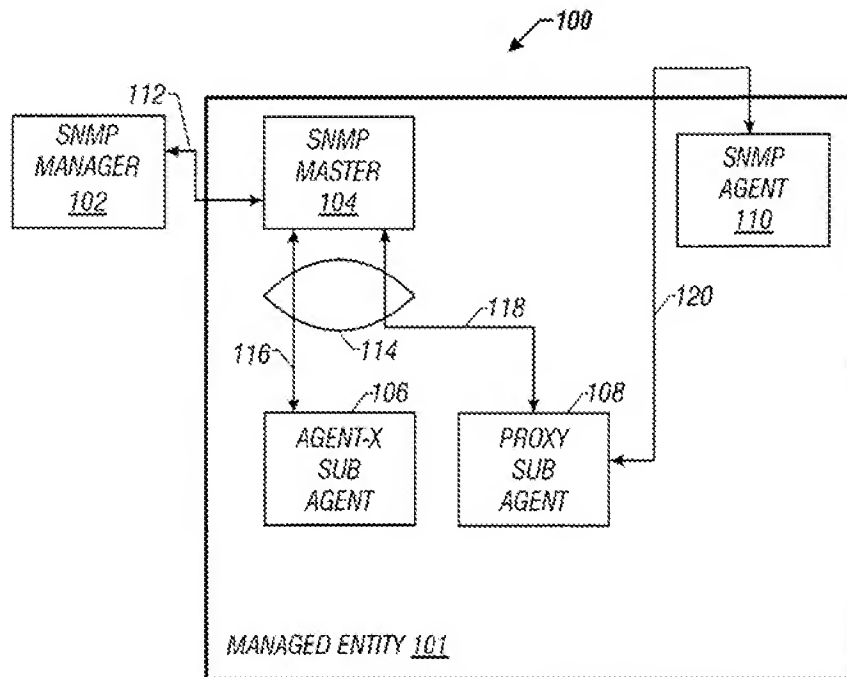


FIG. 1

2. The SNMP manager 102 sends a single SNMP request to the SNMP master agent 104 of the managed node 101. The master agent 104 then parses the SNMP request into one or more AgentX request PDUs or packets and sends them to respective AgentX subagents 106 and 108. Figs. 1 and 3; col. 7, ll. 15-22, also see col. 5, l. 61 to col. 6, l. 23.

3. The management protocol, i.e., SNMP, provides for the exchange of management messages among the various SNMP entities. The form of these messages is a message “wrapper” which encapsulates a Protocol Data Unit (PDU). Col. 4, ll. 36-43.

PRINCIPLES OF LAW

Claim Interpretation

During examination, claims are to be given their broadest reasonable interpretation consistent with the specification, and the language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Amer. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citations omitted). The Office must apply the broadest reasonable meaning to the claim language, taking into account any definitions presented in the specification. *Id.* (citations omitted).

Anticipation

For a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. However, this is not an “ipsissimis verbis” test. *In re Bond*, 910 F.2d 831, 832 (Fed. Cir. 1990).

ANALYSIS

Section 102 rejection of claims 1, 2, 4-10, and 12-18

Appellant contends that Andrews does not disclose “embedding a first legacy network management message within a first Simple Network Management Protocol (SNMP) message” as recited in claim 1. According to Appellant, claim 1 is the exact opposite of the Andrews patent. In particular, Appellant contends that Andrews is using an AgentX to transport SNMP management information, and Appellant’s invention is concerned with using SNMP management to transport AgentX. Br. 10-11. The Examiner finds that the SNMP manager 102 encapsulates a request protocol data unit in a wrapper, then transmits the SNMP request to the managed entity 101. The Examiner finds that the SNMP manager communicates with the managed entity using SNMP. The Examiner further finds that the managed entity parses, or extracts, the SNMP request to send to agents using AgentX protocol. Ans. 5, 11.

Appellant has not provided a definition of “embedding a first legacy network management message within a first Simple Network Management Protocol (SNMP) message” that excludes encapsulating a protocol data unit into a SNMP message by the SNMP manager as described by Andrews. Further, Appellant has not provided evidence or persuasive argument to rebut the Examiner’s finding that the SNMP manager communicates with the SNMP master using SNMP. We find that the term “embedding a first legacy network management message within a first Simple Network Management Protocol (SNMP) message” encompasses encapsulating a protocol data unit in a SNMP message as described by Andrews.

Appellant has not presented arguments for separate patentability for claims 9, 13, and 15, but rather quotes language from each of these claims, and alleges that the quoted claim language is not described by Andrews. We sustain the rejection of claims 1, 2, 4-10, and 12-18 under 35 U.S.C. § 102.

Section 103 rejection of claims 3 and 11

Appellant has not presented arguments for separate patentability for claims 3 and 11, which thus fall with claim 1.

CONCLUSION OF LAW

Appellant has not shown that the Examiner erred in finding that Andrews describes “embedding a first legacy network management message within a first Simple Network Management Protocol (SNMP) message” as recited in claim 1.

DECISION

The rejection of claims 1, 2, 4-10, and 12-18 under 35 U.S.C. § 102(e) as being anticipated by Andrews is affirmed.

The rejection of claims 3 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Andrews and Official Notice is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED

Appeal 2009-011518
Application 10/695,952

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